

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID LEE CAMERON,

Defendant-Appellant.

UNPUBLISHED
September 9, 2003

No. 239928
St. Clair Circuit Court
LC No. 01-000652-FH

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction for possession with intent to deliver marijuana, MCL 333.7401(2)(d)(iii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court abused its discretion in admitting letters from defendant's brother asking defendant to bring marijuana to prison, asserting that the prior bad acts evidence should have been excluded under MRE 404(b). The letters do not document a prior bad act. They are not hearsay because they are not assertions. MRE 801(a). There was no suggestion that defendant actually performed the delivery, and the statement is not offered to prove the truth of the matter asserted. MRE 801(c). Given the direct evidence establishing defendant's guilt, any error in the admission of the letters was harmless.

Defendant asserts that there is insufficient evidence to support the conviction. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992). The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

Defendant relied on an alibi defense. A reasonable juror could conclude that the alibi did

not contradict the prosecutor's case. Viewed in a light most favorable to the prosecution, the evidence supported the verdict.

We affirm.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad